

Rejection of Claims 1-3, 5-7, 12, 13, 20-25 and 27-29 under 35 U.S.C. §102(b) / 103(a)

Claims 1-3, 5-7, 12, 13, 20-25 and 27-29 were rejected under 35 U.S.C. §102(b) as anticipated by, or in the alternative, under 35 U.S.C. 103(a), as obvious over U.S. Patent No. 5,851,617 (Keiser).

As discussed in the telephone interview, Keiser fails to teach or suggest an in-mold decorated article comprising an injection molded microcellular polymeric material, wherein the article has a non-planar surface as recited in the amended independent claims 1, 24 and 28. Because this limitation is not anticipated or made obvious by Keiser, these independent claims are patentable over Keiser. Each of claims 2-3, 5-7, 12, 13, 20-23, 25, 27 and 29 depend from one of these independent claims and, therefore, are patentable over Keiser for at least this reason.

Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1-3, 5-7, 12, 13, 20-25 and 27-29 under 35 U.S.C. §102(b) as anticipated by, or in the alternative, under 35 U.S.C. 103(a), as obvious over Keiser.

Rejection of Claims 4, 9-11, 14-16, 17-19, 26 and 30-33 under 35 U.S.C. §103(a)

Claims 4, 9-11, 14-16, 17-19, 26 and 30-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,851,617 (Keiser).

Claims 4, 9-11, 14-16, 17-19, 26 and 30 depend from independent claims that are patentable over Keiser for the reason discussed above. Therefore these claims are also patentable over Keiser for at least this reason.

As discussed above, Keiser fails to teach or suggest an in-mold decorated article that comprises an injection molded polymeric material, wherein the article has a non-planar surface as recited in the amended independent claim 31. Because Keiser does not teach or make obvious this limitation, claim 31 and its dependent claims 32-33 are also patentable over Keiser.

Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 4, 9-11, 14-16, 17-19, 26 and 30-33 under 35 U.S.C. §103(a) as being unpatentable over Keiser.

Rejection of Claim 5 under 35 U.S.C. §103(a)

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Keiser in view of U.S. Patent No. 4,961,983 (Smorada).

Claim 5 depends from claim 1 which is patentable over Keiser for the reasons discussed above. Smorada fails to provide the deficiency of Keiser with respect to claim 1. Thus, claim 5 is patentable over the combination of Keiser in view of Smorada for at least the reason discussed above regarding the patentability of claim 1.

Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 5 under 35 U.S.C. §103(a) as being unpatentable over Keiser in view of Smorada.

Rejection of Claim 8 under 35 U.S.C. §103(a)

Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Keiser in view of U.S. Patent No. 5,948,711 (Closson) in the Office Action mailed May 17, 2001. Though this rejection was not stated in the Final Office Action mailed January 8, 2002, it appears that the Examiner intended to maintain this rejection. Applicant, therefore, is addressing this rejection.

Claim 8 is rewritten in independent form to include the limitations of claim 1 prior to the present Amendment. Applicant respectfully disagrees that one of ordinary skill in the art would have been motivated to combine the teaching of Keiser with the teaching of Closson in the manner stated in the Office Action.

The article disclosed in Keiser includes a release liner sheet 16 releasably adhered to a substrate 12 via an adhesive layer 14 to permit separation of the release liner sheet during use. The Office Action states that Closson discloses the lamination of a polypropylene film bonded to a propylene fabric layer by extruding and that it would have been obvious to one of ordinary skill in the art to have bonded the polymeric material layer (of release liner 16) to the substrate without using any adhesives motivated by the desire to recycle the article. However, if the article in Keiser were modified to remove the adhesive layer as stated in the Office Action, the release liner sheet could not be readily separated from the substrate, thus, rendering the article unsatisfactory for its intended purpose. Therefore, Keiser teaches away from being combined with Closson in the manner stated in the Office Action.

Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 8 as being unpatentable over Keiser in view of Closson.

Newly Added Claims

Newly added claims 60-84 depend from independent claims that are patentable over the cited references for at least the reasons discussed above.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
Vadala et al., Applicant

By: 

Robert H. Walat, Reg. No. 46,324
Timothy J. Oyer, Ph.D., Reg. No. 36,628
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617) 720-3500

Docket No. T00428.70090.US
Date: October 3, 2002
x10/03/02

MARKED-UP CLAIMS

Claim 25 has been cancelled.

Claims 1, 8, 24, 28 and 31 have been amended as follows.

1. (Amended) An in-mold[ed] decorated article comprising:
an injection-molded microcellular polymeric material having an average cell size of less than 100 microns; and
a substrate adhered to a surface of the microcellular polymeric material,
wherein the article has a non-planar surface.
8. (Amended) An in-mold decorated [The] article [of claim 1] comprising: [wherein]
an injection-molded microcellular polymeric material having an average cell size of less
than 100 microns; and
a [the] substrate [is] adhered to a surface of the microcellular polymeric material in the absence of an external adhesive.
24. (Amended) An in-mold decorated article comprising:
an injection-molded polymeric foam material wherein at least 70% of the total number of cells have a cell size of less than 150 microns; and
a single layer substrate adhered to a surface of the polymeric foam material,
wherein the article has a non-planar surface.
28. (Amended) An in-mold decorated article comprising:
an injection-molded polymeric foam material; and
a single-layer fabric substrate adhered to a surface of the polymeric material,
wherein the article has a non-planar surface.
31. (Amended) An in-mold decorated article comprising:
an injection-molded microcellular polymeric material having an average cell size of less
than 100 microns and a softening temperature; and

a substrate adhered to a surface of the injection molded polymeric material, the substrate comprising a polymer having a softening temperature,

wherein the softening temperature of the injection molded polymeric material is within 20°C of the softening temperature of the polymer of the substrate and the article has a non-planar surface.